IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3185 OF 2001

Narayan Smriti Co-op. Hsg.
Society Ltd. and Ors. ... Petitioners

Versus

Mira Bhayander Municipal Council
and anr. ... Respondents

Mr. S.K. Singh with Mr. A.K. Singh for Petitioner.

Mr. R.S. Apte, for Respondent No. 1.
Mr. R.M. Patne, A.G.P. for Respondent No. 2.

CORAM : F.I. REBELLO &
MRS ROSHAN DALVI.JJ.
DATED : DECEMBER 15, 2005

P.C.

. Rule. Respondent Nos. 3, 4 and 5 have been served. None appears for them.

. The Petitioners had approached this court to challenge the notice dated 12.6.2001. That notice was issued pursuant to the stand of the Respondent No. 1 that the area where the building stands is required for the purpose of road widening. After hearing the parties, it is clear that Respondent No. 1 has no objection to the Petitioners reconstructing the building on demolition in the

area available and for that purpose, the petitioners herein will have to submit fresh plans for approval to respondent No. 1. That being the position, the present petition can be disposed of by issuing the following directions :

(1) The Petitioners will not raise any objection to the Respondent taking steps to demolish the building for the purpose of road widening.

(2) The Petitioners herein will submit their plans for development according to law within four weeks from today. The Respondent No. 1 will consider the building plans in terms of law including allowing the Petitioners to reconstruct using the FSI available.

(3) The Respondent No. 1 would not demolish the building till such time as the plan submitted by the Petitioners are approved for reconstruction/redevelopment.

(4) The Respondent No. 1 will commence demolition on the expiry of the period of twelve months from

the date of approval of the plan for reconstruction/redevelopment by the Petitioners.

(5) On demolition, the Respondent No. 1 will take possession of the land for road widening without the Petitioners claiming any compensation. On behalf of the Petitioners, the learned counsel for the Petitioners makes a statement that they will hand over the possession without claiming any compensation after the required date. Statement accepted.

(6) Liberty to the parties to apply.

. Rule made absolute accordingly, No order as to costs.

(F.I. REBELLO,J.)

(MRS. ROSHAN DALVI,J.)